

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD OF DETERMINING EVOLUTIONARY POTENTIAL OF MUTANT RESISTANCE GENES AND USE THEREOF TO SCREEN FOR DRUG EFFICACY**

the specification of which (check only one item below):

☐ is attached hereto.

☒ was filed as U.S. Patent Application Serial No. 09/640,882 on August 18, 2000, and was amended on \_\_\_\_\_ (if applicable).

☐ was filed as PCT International Application Number \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable).

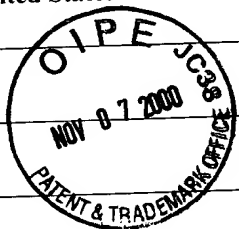
I hereby state that I have reviewed and understand the contents of the above-identified specifications, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:

COUNTRY (IF PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
United States	60/149,813	19-AUG.-1999	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
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			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO



**COMBINED DECLARATION FOR PATENT  
APPLICATION AND POWER OF ATTORNEY (Continued)**  
(Includes Reference to PCT International Applications)

**ATTORNEY'S DOCKET NUMBER**  
**176/60851 (1-11027-849)**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT International filing date of this application:

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:**

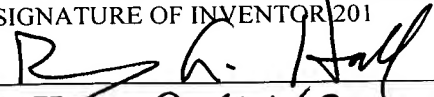
U.S. APPLICATIONS		STATUS (Check One)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED (if any)		

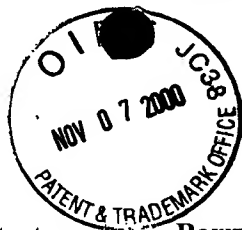
**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. **Michael L. Goldman, Registration No. 30,727; Gunnar G. Leinberg, Registration No. 35,584; Edwin V. Merkel, Registration No. 40,087; Georgia Caton, Registration No. 44,597; Alice Y. Choi, Registration No. 45,758; Grant E. Pollack, Registration No. 34,097; Ann R. Pokalsky, Registration No. 34,697**

Send Correspondence to:	<b>Michael L. Goldman NIXON PEABODY LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603</b>	Direct telephone calls to: <b>Michael L. Goldman (716) 263-1304</b>
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201	FULL NAME OF INVENTOR	FAMILY NAME <b>Hall</b>	FIRST GIVEN NAME <b>Barry</b>	SECOND GIVEN NAME <b>G.</b>
	RESIDENCE & CITIZENSHIP	CITY <b>Rochester</b>	STATE/FOREIGN COUNTRY <b>New York</b>	COUNTRY OF CITIZENSHIP <b>United States</b>
	POST OFFICE ADDRESS	P.O. ADDRESS <b>12 Dogwood Glen</b>	CITY <b>Rochester</b>	STATE & ZIP CODE/COUNTRY <b>New York 14625/USA</b>
202	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE/FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	P.O. ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
203	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE/FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	P.O. ADDRESS	CITY	STATE & ZIP CODE/COUNTRY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
DATE <b>9/21/00</b>	DATE	DATE



NON-PROFIT  
Docket No.: 176/60851 (1-11027-849)

Applicant or Patentee : **Barry G. Hall**  
Serial or Patent No. : **09/640,882**  
Filed or Issued : **August 18, 2000**  
For : **METHOD OF DETERMINING EVOLUTIONARY POTENTIAL  
OF MUTANT RESISTANCE GENES AND USE THEREOF TO  
SCREEN FOR DRUG EFFICACY**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF CONCERN : **University of Rochester**  
ADDRESS OF CONCERN : **518 Hylan Building  
Rochester, New York 14627**

TYPE OF ORGANIZATION :

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE  
(26 USC 501(c)(3))  
☐ NONPROFIT SCIENTIFIC OR EDUCATION UNDER STATUTE OF STATE OF  
THE UNITED STATES OF AMERICA (NAME OF STATE)  
(CITATION OF STATUTE)  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE  
SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED  
STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER  
STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED  
IN THE UNITED STATES OF AMERICA (NAME OF STATE)  
(CITATION OF STATUTE)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled **METHOD OF DETERMINING EVOLUTIONARY POTENTIAL OF MUTANT RESISTANCE GENES AND USE THEREOF TO SCREEN FOR DRUG EFFICACY** by inventor(s) **Barry G. Hall** described in

- ☐ the specification filed herewith  
☒ U.S. Patent Application Serial No.: **09/640,882**  
Filed: **August 18, 2000**  
☐ U.S. Patent No.:  
Issued:

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME :  
ADDRESS :

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME :  
ADDRESS :

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING	:	<b>Mark Coburn</b>
TITLE OF PERSON OTHER THAN OWNER	:	<b>Acting Director</b>
ADDRESS OF PERSON SIGNING	:	<b>Office of Technology Transfer</b>
		<b>518 Hylan Building</b>
		<b>Rochester, New York 14627</b>

SIGNATURE: Mark Coburn DATE: 9-14-00